**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO. 2192 OF 2006**

Union of India ] .. Petitioners

Versus

1. Bharat K. Dehade & 6 ors. ] .. Respondent

Mr. Suresh Kumar for the petitioners.

**CORAM: S.B. MHASE, &**
**R.S. MOHITE, JJ.**

**DATED: 23RD APRIL, 2007**

**P.C. :**

. Heard Mr. Suresh Kumar for the petitioners.

2. The selection process was challenged by filing Original Application No.997 of 1999 which was decided on 30th December, 2002, wherein the present petitioners were respondents No.1 and 2. One Mr. B.K. Dehade, being aggrieved with the decision of Original Application No.997 of 1999, since he was not party to the said Original Application, filed a Petition being Writ Petition No.5640 of 2003. The said Writ Petition was disposed of on 25th February, 2005 with a direction that the said Mr. Dehade shall approach the Central

Administrative Tribunal by a separate Original Application. Therefore, the said Mr. Dehade and others preferred an Original Application No.173 of 2005 before the Central Administrative Tribunal and it was decided on 29th September, 2005. The said Original Application was disposed of by again confirming the order dated 30th December, 2002 passed in Original Application No. 997 of 1999. The said Mr. Dehade had filed Writ Petition (Lodg.) No.191 of 2006 before this Court and this Court on 1st March, 2006 granted Rule and interim relief in terms of prayer clause (c) and thereby the order dated 30th December, 2002 has been stayed.

3. Now, the present Petition has been filed by the Union of India as against an order passed in Original Application No.173 of 2005 dated 29th September, 2005. In fact, the said order is not as against the Union of India. It has simply confirmed the order dated 30th December, 2002. As against the order dated 30th December, 2002, there is no challenge by the Union of India and Mr. Suresh Kumar also stated that the said order is not being challenged by the Union of India.

4. What we find is that by order passed in Original Application No.173 of 2005, no separate and

fresh order has been passed by the Central Administrative Tribunal, but the original order passed in the earlier Original Application No. 997 of 1999 has been confirmed and, therefore, there was no fresh cause of action for the Union of India to file this Petition. The Union of India has acquiesced the order passed on 30th December, 2002 in the Original Application No.997 of 1999 by not preferring any Petition as against that order. Assuming for a moment that the said order passed in Original Application No.997 of 1999 is desired to be challenged by filing this Petition indirectly challenging the order passed in Original Application No.173 of 2005, the Petition filed by the Union of India suffers from delay and latches and, therefore, on this ground also, we refrain to entertain the Petition and it is accordingly rejected.

Sd/-
**[R.S. MOHITE, J.]**

Sd/-
**[S.B. MHASE, J.]**